

08/15/03  
16558 U.S. PTO

08-18-03

A

Certificate of Mailing By "U.S. Express Mail" Under 37 C.F.R. 1.10(c)  
"EXPRESS MAIL" Mailing Label Number: EU637477801US Date of Deposit: 8/15/2003  
I hereby certify that this paper and/or fee is being deposited with the United States Postal Service  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated  
above and is addressed to the Assistant Commissioner For Patents, Washington, DC 20231.  
Name: Peter C. Su  
8/15/2003  
Signature Date Signature

03913 U.S. PTO  
10/642479  
08/15/03

Docket No.: AVA-P005

## APPLICATION TRANSMITTAL LETTER

### Mail Stop: Patent Application

Commissioner of Patents  
United States Patent and Trademark Office  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of

Inventors: **Xiaodong Duan, Xiaofeng Yan, and Giovanni Barbarossa**

Entitled: **"METHOD AND SYSTEM FOR DISTRIBUTED OPTICAL PERFORMANCE MONITOR IN OPTICAL NETWORKS"**

17 No. pages of specification, including title page, claims and abstract  
6 No. sheets of X informal,        formal drawings

Also enclosed are:

- ☒ Executed Combined Declaration and Power of Attorney for Patent Application
- ☒ An Original Executed Assignment of the Application
- ☒ Form PTO-1595 (Recordation Cover Sheet for Assignment)
- ☒ Request and Certification Form PTO/SB/35 (11-00)
- ☒ An Information Disclosure Statement (Form PTO-1449A and Form PTO-1449B)
- ☒ A copy of References cited in Information Disclosure: 1 document(s)

### FEES DUE

       Applicant Claims Small Entity Status (37 CFR 1.27)

The fees due for filing the application pursuant to 37 C.F.R. 1.16 and for recording the Assignment, if any, are determined as follow:

CLAIMS					
	No. of Claims		Extra Claims	Rate	Fees
Basic Application Fee (\$750 large entity; \$375 small entity)					\$ 750.00
Total Claims	14	Minus 20 =	0	X \$18 =	0.00
				X \$ 9 (small) =	0
Total Independent Claims	3	Minus 3 =	0	X \$84 =	0
				X \$42 (small) =	
If Multiple Dependent Claims are presented, add \$260.00 or \$130.00(small)					
If Assignment enclosed, add Assignment Recording Fee \$40.00					40.00
TOTAL APPLICATION FEE DUE					\$790.00

### PAYMENT OF FEES

The full fee due in connection with this communication is  
and is provided as follows:

\$ 790.00

\_\_\_\_\_ The Commissioner is hereby authorized to charge the fees associated with this communication or credit any overpayment to **Deposit Account No:** \_\_\_\_\_. A duplicate copy of this authorization is enclosed.

X A Check No. 27513 for the above-specified full fee is enclosed. However, in case Applicant inadvertently miscalculated any required fee, the Commissioner is hereby authorized to charge the necessary additional amount associated with this communication or credit any overpayment to **Deposit Account No:** \_\_\_\_\_. A duplicate copy of this authorization is enclosed.

## **NO 18 MONTHS PUBLICATION**

### **REQUEST AND CERTIFICATION UNDER 35. U.S.C. 122(b) (2) (B) (i)**

X I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen month after filing. **I hereby request that the attached application not to be publish under 35 U.S.C. 122(b).**

This application is filed pursuant to 37 C.F.R. 1.53 in the name of the above-identified Inventor(s).

Please direct all correspondence concerning the above-identified application to the following address:

LAW OFFICES OF PETER C. SU  
PATENT ATTORNEY  
PO BOX 878  
MENLO PARK, CA 94026-0878

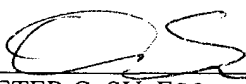
Tel: (650) 280-9300  
Fax: (650) 325-0553  
Email: psu@sullp.com




36430

PATENT TRADEMARK OFFICE

Respectfully submitted,

  
PETER C. SU, ESQ.  
Reg. No. 43,939

8-15-2003  
Date

<b>Certificate of Mailing By "U.S. Express Mail" Under 37 C.F.R. 1.10(c)</b>	
"EXPRESS MAIL" Mailing Label Number: <u>EU637477801US</u>	Date of Deposit: <u>8/15/2003</u>
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Name: <u>Peter C. Su</u> <u>8/15/2003</u> Signature Date	 Signature

Docket No.: **AVA-P005**

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Inventors: **Xiaodong Duan, Xiaofeng Yan, and Giovanni Barbarossa**

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If Assignment enclosed, add Assignment Recording Fee \$40.00					40.00
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**PAYMENT OF FEES**

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\$ 790.00

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X I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen month after filing. **I hereby request that the attached application not to be publish under 35 U.S.C. 122(b).**

This application is filed pursuant to 37 C.F.R. 1.53 in the name of the above-identified Inventor(s).

Please direct all correspondence concerning the above-identified application to the following address:

LAW OFFICES OF PETER C. SU  
PATENT ATTORNEY  
PO BOX 878  
MENLO PARK, CA 94026-0878


Tel: (650) 280-9300  
Fax: (650) 325-0553  
Email: psu@sullp.com



**36430**

PATENT TRADEMARK OFFICE

Respectfully submitted,

  
\_\_\_\_\_  
PETER C. SU, ESQ.  
Reg. No. 43,939

8-15-2003  
Date

**Mail Stop: Patent Application**  
Commissioner of Patents  
United States Patent and Trademark Office  
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application

Application No.: (Not yet assigned); Filed 08/15/003  
For: **"METHOD AND SYSTEM FOR DISTRIBUTED OPTICAL  
PERFORMANCE MONITOR IN OPTICAL NETWORKS"**  
Inventors: **Xiaodong Duan, Xiaofeng Yan, and Giovanni Barbarossa**  
Docket No.: **AVA-P005**

Sir:

The following documents are forwarded herewith for action by the U.S. Patent and Trademark Office:

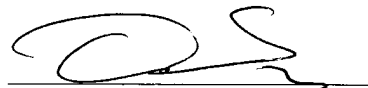
1. U.S. UTILITY APPLICATION entitled: **"METHOD AND SYSTEM FOR DISTRIBUTED OPTICAL PERFORMANCE MONITOR IN OPTICAL NETWORKS"** having named inventors: **Xiaodong Duan, Xiaofeng Yan, and Giovanni Barbarossa**
  - a. a specification consisting:
    - (i) 12 pages prior to the claims, including title page;
    - (ii) 4 pages of claims;
    - (iii) 1 page abstract;
  - b. 6 sheets of **informal** drawings: (FIGs. 1-6);
2. An **original, executed** Combined Declaration and Power of Attorney by named inventors;
3. Form PTO-1082 (in duplicate);
4. Cover letter for Assignment (Form PTO-1595)
5. An original, executed Assignment to **AVANEX CORPORATION**, executed by named inventor, recordation of which is hereby requested;
6. Request and Certification Form PTO/SB/35 (11-00);
7. A return post card; and
8. Check No. 27513 For \$ 790 to cover:

Patent application filing fee:	\$ 750.00
Assignment Recordation fee:	\$ 40.00
Excess claims fee:	\$ .00

It is respectfully requested that the attached postcard be stamped with the filing date of the above documents and unofficial application number and returned to the addressee as soon as possible.

Respectfully submitted,

8-15-2003  
Date

  
PETER C. SU, ESQ.  
Reg. No. 43,939

LAW OFFICES OF PETER C. SU  
PATENT ATTORNEY  
PO BOX 878  
MENLO PARK, CA 94026-0878

Tel: (650) 280-9300  
Fax: (650) 325-0553  
Email: [psu@sullp.com](mailto:psu@sullp.com)

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Xiaodong Duan
	Title	"METHOD AND SYSTEM FOR DISTRIBUTED OPTICAL PERFORMANCE MONITOR IN OPTICAL NETWORKS"
	Atty Docket Number	AVA-P005

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

8-15-2003

Date



Signature

PETER C. SU, ESQ. Reg. No. 43,939

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.